

## Moniz-Carroll, Rhonda

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**From:** Peter Malkin <plmalkin@malkinholdings.com>  
**Sent:** Saturday, March 21, 2015 12:25 PM  
**To:** JudTestimony  
**Cc:** zRepresentative Fred Camillo; zRepresentative Livvy Floren; zRepresentative Mike Bocchino  
**Subject:** HB 5602  
**Importance:** High

I join the Greenwich Tree Conservancy in urging amendments to this pending legislation or rejection of it since the common law has long provided adequate remedy for the goal of HB 5602 :

Revision of key to liability from "diseased" to "hazardous". Definitions of "diseased" are conflicting and a tree may be classified as "diseased" without being a hazard at risk to fall

Provision for owner of property on which tree stands to have the right to obtain an opinion from a qualified arborist and for a procedure for resolving "arborists dispute"

A requirement that for the potential liability to apply to a subsequent owner of the property on which the tree stands that the certification of risk by an arborist be placed upon local title records to provide fair notice

Peter L. Malkin, Esq.

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